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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,490	12/09/2003	Murray Figov	1774	2570

7590

06/30/2005

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EXAMINER

WILLIAMS, KEVIN D

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/730,490	Applicant(s) FIGOV ET AL.	
	Examiner Kevin D. Williams	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 26 is objected to because of the following informalities:

In claim 26, line 2, the limitation "said plate cylinder" lacks proper antecedent basis in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18 and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakishita (US 6,387,594).

Kakishita teaches an apparatus comprising: a plate substrate 7 for receiving a matrix floor; curing means 9 for curing said matrix floor; an imaging surface 4 adjacent said plate substrate; inkjet imaging means 3 adjacent said imaging surface for ink-jetting an image onto said imaging surface according to pre-stored data; UV exposing means 8 for gelling said image; and bonding means (col. 12, lines 4-7) for bonding said gelled image with said matrix floor, said matrix floor comprising UV curable material, said

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matrix floor comprising a solvent, heating means 9 for evaporating said solvent from said matrix floor, said curing means being external to said plate cylinder, said imaging surface comprises one of a cylinder, a blanket 4 and a belt, wherein said UV exposing means 8 is external to said imaging surface.

With respect to claim 29, one of the plate substrate and the imaging surface can be manually moved to enlarge the distance between them. The limitation does not provide any functional language to describe the purpose of enlarging the distance between the substrate and imaging surface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakishita in view of Verschueren (US 6,699,640).

Kakishita teaches the claimed invention except for the plate substrate forming a sleeve around a plate cylinder of a flexographic printing press, the plate substrate comprising a plate cylinder of a flexographic printing press, and the plate substrate comprising a metal plate.

Verschueren teaches a plate substrate forming a sleeve around a plate cylinder of a flexographic printing press (col. 5, lines 24-27), the plate substrate comprising a

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plate cylinder of a flexographic printing press (col. 4, lines 18-22), and the plate substrate comprising a metal plate (col. 5, lines 17-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kakishita to have the plate arrangement as taught by Verschueren, in order to save time by forming the plate directly on the plate cylinder.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakishita in view of Mengel (US 2003/0211423).

Kakishita teaches the claimed invention except for the substrate comprising polyester.

Mengel teaches a substrate comprising a polyester ([0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kakishita to have to substrate as taught by Mengel, in order to utilize a material that is transparent to ultraviolet radiation and thereby aids in the formation of the plate.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakishita in view of Mori (US 6,895,860).

Kakishita teaches the claimed invention except for the matrix floor material and the inkjet ink comprising liquids based on one of urethane acrylate and methacrylate oligomers.

Mori teaches a device having a matrix floor material and an inkjet ink comprising liquids based on one of urethane acrylate and methacrylate oligomers (col. 14, lines 16-20).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kakishita to have the matrix floor and ink as taught by Mori, in order to utilize a water soluble resin.

Allowable Subject Matter

8. Claims 1-17, 31 and 32 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claim 1 and 31 is the limitation of depositing an elastomeric matrix floor onto a plate substrate, curing the matrix floor, inkjet imaging one layer on said imaging surface, UV exposing the imaged layer, transferring the gelled layer from the imaging surface to the matrix floor, and repeating steps (d) through (g) until an image of sufficient thickness is created, in combination with the other claimed structure and steps.

The claims have been interpreted such that repeating step (h) occurs at least once.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW
June 27, 2005



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